

REMARKS

Claims 1-16 are pending in the present application. Claim 16 is withdrawn from consideration as being drawn to non-elected subject matter. Claims 1-10 and 12-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Xiao, U. S. Patent No. 5,537,247 in view of Kishi, U. S. Patent No. 6,437,913. Claims 9 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Xiao in view of Takeuchi, U. S. Patent No. 6,337,767.

Reconsideration of the application is respectfully requested.

Supplemental Information Disclosure Statement

A supplemental Information Disclosure Statement including Form PTO-1449 and cited references is submitted herewith for the Examiner's consideration.

Rejections under 35 U.S.C. §103(a)

Claims 1-10 and 12-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Xiao, U. S. Patent No. 5,537,247, in view of Kishi, U. S. Patent No. 6,437,913. Claims 9 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Xiao in view of Takeuchi, U. S. Patent No. 6,337,767.

Xiao describes a confocal scanning system having a galvanometer scanner 60, a beam splitter 41 and a light sensor 21 for descanned detection. See col. 4, lines 2 and 28, and col. 5, line 58, and Fig. 2.

Kishi describes a fluorescent detector 30 for non-descanned detection and a photoelectric transfer element 24 for descanned detection. See col. 5, lines 15-30, col. 6, lines 8-22, and Fig. 1A, 1B.

Independent claims 1 and 9 of the present application recite "at least one first detector for descanned detection", a coupling-out element "insertable into [the] illumination and detection beam path [for] non-descanned detection" and "a light-guiding fiber for transporting at least a portion of the detection light from the coupling-out element to the first detector" (claim 1)/

"the coupling-out element comprising a light-guiding fiber for transporting at least a portion of detection light to the at least one first detector" (claim 9). As recited, the coupling-out element is insertable for non-descan detection and the detected light from the coupling-out element is transported by the light-guiding fiber to the at least one first detector. Thus, the at least one first detector is used for non-descan detection. Also, as recited in claims 1 and 9, the at least one first detector is for descscan detection. Therefore, claims 1 and 9 require that the at least one first detector is usable for both for descscan detection and non-descscan detection. It is respectfully submitted that neither Xiao nor Kishi use the same detector for descscan and non-descscan detection. Xiao does not provide non-descscan detection at all. Kishi, on the other hand, uses two different detectors for descscan and non-descscan detection (detector 30 and photoelectric transfer element 24, respectively). Thus, to the extent it would be proper to combine Xiao and Kishi, a combination of these two references could not teach or suggest the above-recited features of independent claims 1 and 9, or their respective dependent claims 2-8 and 10-15.

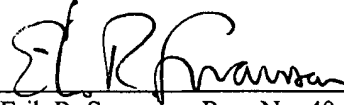
Withdrawal of the rejection of independent claims 1 and 9, as well as respective dependent claims 2-8 and 10-15, under 35 U.S.C. §103(a) based on Xiao in view of Kishi, and of claims 9 and 11 under 35 U.S.C. §103(a) based on Xiao in view of Takeuchi, is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

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